\* BEFORE THE IN RE: PETITION FOR ZONING VARIANCE S/S Church Read, 397.03'+/- E \* DEPUTY ZONING COMMISSIONER of Fieldway Drive (8505 Church Road) \* OF BALTIMORE COUNTY 2nd Election District 2nd Councilmanic District \* Case No. 90-82-A Sidney Simon, ct ux

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

. . . . . . . . . . . . . .

Petitioners

The Petitioners herein request a variance to permit a side yard setback of 5.4 feet in lieu of the required minimum of 7 feet, for a proposed carport in accordance with Petitioner's Exhibit 1.

The Petitioners, by Sidney Simon, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 8505 Church Road, consists of .27 acre zoned D.R. 5.5 and is improved with a single family dwelling. Petitioners propose constructing a 10' x 24' carport on the east side of the existing dwelling to provide protection for his automobile. Mr. Simon testified that as a result of Baltimore County opening Church Road at Old Court Road, traffic has become heavier and faster on this street, and that, in fact, his car was struck while parked out front. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

Dennis F. Rasmussen
County Executive

Baltimore County 💢 🝘 🙇 Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zonics Commissioner

DATE 9/15/89

Mr. & Mrs. Sidney Simon 0505 Church Lane Randallstown, Maryland 21133 Petition for Zoning Variance

CASE NUMBER: 90-82-A S side Church Lane, 397.03' ± E of Fieldway Drive 8505 Church Lane 2nd Election District - 2nd Councilmanic Petitioner(s): Sidney Simon, et ux HEARING SCHEDULED: THURSDAY, SEPTEMBER 7, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Simon:

Please be advised that \$ 102.86 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there

man additional season added the season BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 01-615-000 unea B 690 \*\*\*\* 10266: a 5268F

MARCH MED

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC. 

THIS IS TO CERTIFY that the annexed Church lane was published for OriE successive weeks/days previous to the day of aug 19 87 in the Westminster, Carroll County, Maryland.

Randalistown News, a weekly newspaper published in Baltimore County, Maryland. Community Times, a weekly newspaper published in Baltimore County, Maryland.

MARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Worday of September, 1989 that the Petition for Zoning Variance to permit a side yard setback of 5.4 feet in lieu of the required minimum of 7 feet, for a proposed carport in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The variance granted herein is limited to a 10' x 20' carport on the east side of the subject property as set forth in Petitioner's Exhibit 1.

> M Nesteriouse ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

NOTICE OF HEARING

July 30, 1989

Dennis F. Rasmussen
County Executive

Filed 84 Joy. 6/8/89.

any Dong OR Time

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

Petition for Zoning Variance CASE NUMBER: 90-82-A S side Church Lane, 397.03 t E of Fieldway Drive 8505 Church Lane 2nd Election District - 2nd Councilmanic Petitioner(s): Sidney Simon, et ux HEARING SCHEDULED: THURSDAY, SEPTEMBER 7, 1989 at 2:00 p.m.

Variance: To allow a side yard setback of 5.4 ft. in lieu of the minimum 7 ft.

In the event that this Petition is granted, a building permit ray be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

> ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

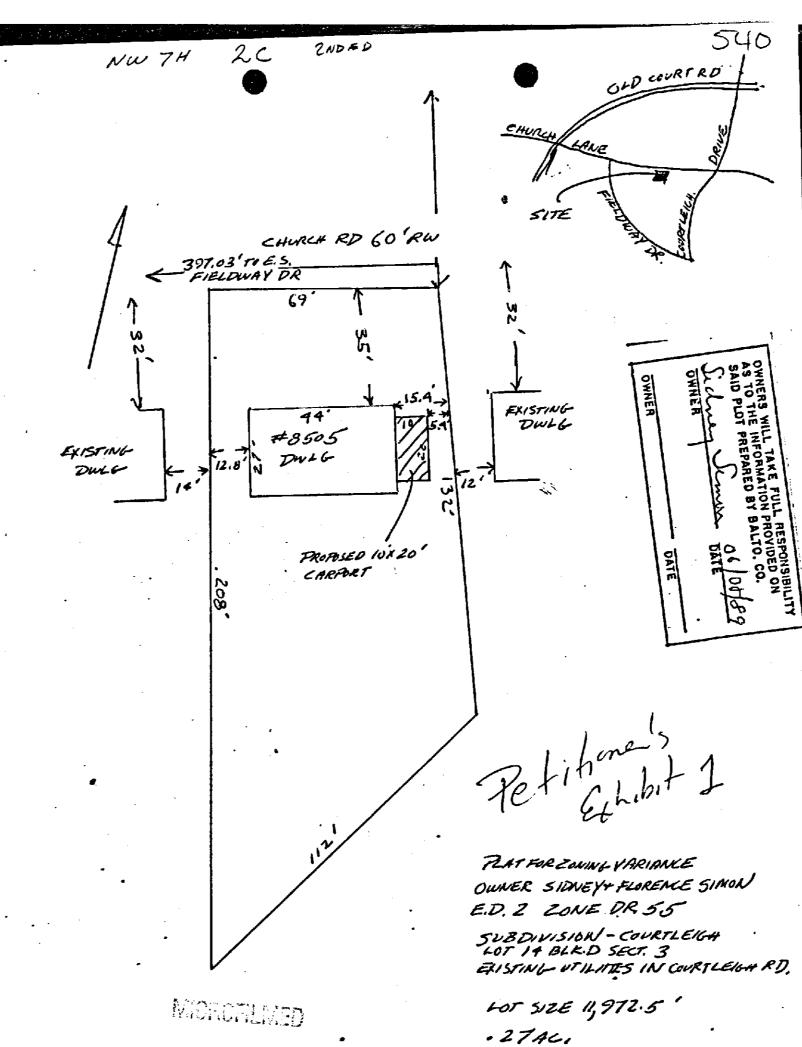
cc: Mr. & Mrs. Simor

CERTIFICATE OF POSTING

|  |            | 2 -                                    |            |
|--|------------|--|------------|
| District 2 ml Variance   |            | Date of Posting August 21-             | £2.        |
| Posted for:  |            | ************************************** |            |
| Petitioner: Sidney Sime Location of property: South suc  Af Fieldury Drive | on et ux   | h Jane 397.631 Eo                      | at.        |
| of Fieldury Drive  | ( 6505 Chu | reh Line                               |            |
| Location of Signer I'm from  | it of 8505 | Church Jane                            |            |
| **************************************                                     |            |  |            |
| Remarks:   |            | Pur A 28.                              | .55        |
| Posted by A. J. Resta  |            | ed return August 28.                   | . <u>-</u> |
| Humber of Signe:   | PROFILMED  |  |            |

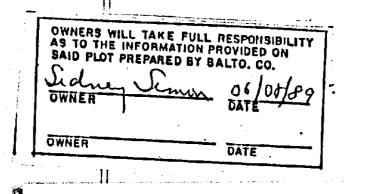
PETITION FOR ZONING VACIANCE Jam 540 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section \_\_ III\_13.C.3 (Amended 1953 Regulations)\_\_\_\_\_ To allow a side yard setback of 5.4 ft. in lieu of the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Ever since the County opened Church Road (or Lane) at Old Court Road, the flow of traffic has become heavier and faster. The requested carport would allow me to park my auto on my property and not on the street, where it has already been struck by a hit-and-run driver. MAP NW 74 Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affin under the penalties of perjury, that I/Ve are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: Sidney Simon (Type or Print Name) (Type or Print Name) Lidney Florence Simon (Type or Print Name) Florence Signature City and State 8505 Church Road Attorney for Petitioner: 922-6548 (Type or Print Name) Randallstown, Maryland 21133 City and State Signature Name, address and phone number of legal owner, contract purchaser or representative to be contacted Sidney Simon or Florence Simon Name 8505 Church Road City and State 922-6548 Randallstown, Maryland Attorney's Telephone No.: \_\_\_\_ 19.27, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, at \_\_\_\_ o'clock



ZONING DESCRIPTION

BEGINNING ON THE S. SIDE OF CHURCH RD. 60 FT. WIDE AT A DISTANCE OF 397.03 FT. EAST OF FIELDWAY DR. BEIM- LOT IA BLK D. SECT. 3. OF THE SUBDIVISION OF COUNTLEIGHT. 98. 22 FOLLO 87 ALSO KNOWN AS 8505 GURCH RD. IN THE ZND. E.D.



NOTICE OF HEARING

The Zoning Commissioner

The Zoring Commissioner of Baltimore County, by authority of the Zoring Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance Case number: 90-62-A S side Church Lane, 397.03 ± of Fieldway Drive 8505 Church Lane 2nd Election District

2nd Councilmanic Petitioner(s): Sidney Simon, et ux Hearing Date: Thursday, Sept. 7, 1989 at 2:00 p.m.

Variance: to allow a side yard setback of 5.4 ft. in lieu of the min-

inum 7 ft.

granted, a building permit may be granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the is-

suance of said permit during this period for good cause shown.
Such request must be in writing and received in this office by the date of the hearing set above or

presanted at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore Count
8/210 Aug. 17.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 17 , 1989.

THE JEFFERSONIAN,

5. Zete Olm Publisher

PO 15188 reg M 31093 co 90-82-A price \$ 37.43

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 465 Towson, Maryland 21204 (301) 887-3554



ZONING OFFICE

July 31, 1989

Mr. J. Robert Haines Zoning Commissioner Ocunty Office Building Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 534, 535, 536, 537, 538, 539, and 540.

Very truly yours,

mechael & Plange

Michael S. Flanigan Traffic Engineer Associate II

MSF/lab

MOTORISMA

B'TIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO:

DATE: Augus. 16, 1989

Zoning Commissioner

FROM:

Pat Keller, Deputy Director Office of Planning and Zoning

Sidney and Florence Simon, Item 540 Zoning Petition No. 90-82-A

The petitioners request a variance to allow a side setback of 5.4 feet in lieu of the required 7 feet.

The Office of Planning and Zoning has no comment on the above request.

PK/JL/sf

MICROFILM

RE: Property Owner: SIDNEY SIMON Location: S SIDE CHURCH ROAD

Item No.: **#540** 

Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Zoning Agenda: JUNE 20, 1989

JUNE 19, 1989

Gentlemen:

Baltimore County Fire Department 800 York Road

(301) 887-4500

Paul H. Reincke Chief

J. Robert Haines Zoning Commissioner

Towson, Maryland 21204-2586

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Planning Group Special Inspection Division

JK/kek